

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA

<b>VBRICK SYSTEMS, INC.,</b>	)	
	)	
Plaintiff,	)	
	)	C.A. No.
v.	)	
	)	<b>TRIAL BY JURY DEMANDED</b>
<b>ONSTREAM MEDIA CORPORATION,</b>	)	
	)	
Defendant.	)	

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Vbrick Systems, Inc. (“Plaintiff” or “Vbrick”), by and through counsel, files this Complaint against Defendant Onstream Media Corporation (“Defendant” or “Onstream”) for patent infringement and alleges as follows:

**NATURE OF THE ACTION**

1. This is a patent infringement action. Vbrick seeks damages for Onstream’s infringement of Vbrick’s patented technology in the United States.

**THE PARTIES**

2. Vbrick is a corporation incorporated under the laws of the State of Delaware with its principal place of business at 607 Herndon Parkway, Suite 300, Herndon, Virginia, 20170.

3. On information and belief, Onstream is a Delaware corporation with its principal place of business at 1451 W. Cypress Creek Rd. #204, Ft. Lauderdale, FL 33309.

**JURISDICTION AND VENUE**

4. This action arises under the patent laws of the United States Patent Act, codified at 35 U.S.C. § 1 *et seq.*, and in particular, 35 U.S.C. §§ 271 and 281-285.

5. This Court has original subject matter jurisdiction over this case for patent

infringement under 28 U.S.C. §§ 1331 and 1338(a).

6. This Court has personal jurisdiction over Defendant by virtue of its systematic and continuous contacts with this jurisdiction and its residence in this District, as well as because Plaintiff's injury and cause of action arose in this District, as alleged herein.

7. Defendant is subject to this Court's specific and general personal jurisdiction pursuant to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in this judicial District.

8. Venue is proper in this judicial district pursuant to 28 U.S.C. §1400(b) under the Supreme Court's opinion in *TC Heartland v. Kraft Foods Group Brands LLC*, 137 S. Ct. 1514 (2017), because Defendant resides in this District through its regular and established place of business in this District.

### **FACTUAL BACKGROUND**

9. Vbrick is a pioneer and world leader in the fields of live and on-demand video streaming and video content management. Vbrick is the leading enterprise video platform trusted by the world's largest brands.

10. Vbrick contracts with sophisticated enterprise customers for the provision of real-time and on-demand video management and streaming services. Specifically, Vbrick's solutions enable organizations to create, manage and distribute media-rich information from virtually any source – from tablets, unified communications clients or cameras, to virtually any screen – from desktop to digital signage. Vbrick offers an innovative platform for broadcasting online video to hundreds or thousands of recipients at a time. Customers use Vbrick for automated, integrated

live and on-demand video in executive webcasts, online training, distance learning, communications, and marketing.

11. Vbrick has provided video streaming products for over twenty years, and since 1998, the company has accrued more than 9,000 customers worldwide, including 100 of the Fortune 500 companies and every branch of the U.S. military. In recent years, VBrick has consistently been recognized as an industry leader in the enterprise webcasting and enterprise video content management, broadcasting, and delivery markets.

12. The inventions disclosed in United States Patent Nos. 8,665,311 (“the ’311 Patent” or “the Patent-in-suit”) (**Exhibit A**) and exemplified in Vbrick’s state-of-the-art online video broadcasting platform are indicative of Vbrick’s status as a world leader in live and on-demand video streaming and video content management.

#### **PATENT-IN-SUIT**

13. U.S. Patent No. 8,665,311, entitled “Methods and Apparatus for Collaboration,” is valid and enforceable, and was duly issued in full compliance with Title 35 of the United States Code by the USPTO on March 4, 2014. A true and correct copy of the ’311 Patent is attached hereto as Exhibit A.

14. Vbrick is the owner by assignment of the ’311 Patent with sole rights to enforce the ’311 Patent and sue infringers. Vbrick is the assignee of all rights, titles and interests in and to the ’311 patent and holds the right to sue and recover for past, present and future infringement thereof.

15. Vbrick has not granted Onstream an approval, an authorization, or a license to the rights under the ’311 patent.

16. The ’311 Patent recites claims directed to, among other things, methods and

devices that enable contacts to communicate around a shared video source. In certain cases, the techniques enable users to collaborate by communicating with each other around an automatically-shared video source. Ex. A at Abstract.

### **ONSTREAM'S INFRINGING PRODUCTS**

17. Defendant Onstream markets a multitude of products that incorporate Vbrick's patented methods. *See, e.g.*, <https://www.onstreammedia.com/>. Like the '311 Patent, the Onstream products enable contacts to communicate around a shared video source and enable users to collaborate by communicating with each other around an automatically-shared video source. *Id.*

18. Onstream specifically makes, offers for sale, and sells at least the following products or services that incorporate Vbrick's patented methods: (1) Onstream Webinars<sup>1</sup>; (2) Onstream Encompass Pro<sup>2</sup>; (3) Onstream Webcasting<sup>3</sup>; (4) Onstream "encoding" or Onstream "iEncode"<sup>4</sup>; (5) Onstream Streaming Publisher<sup>5</sup>; and (6) current or legacy Onstream products or services, which use, or have used, one or more of the foregoing products or services as a component product or component service (Accused Products).

19. Onstream's marketing efforts include providing instructional materials that instruct third-party audio-video production customers on how to practice the patented methods. *See, e.g.*, <https://www.onstreammedia.com/>. Onstream makes these instructional materials available throughout the country, including to interested audio-video production customers in

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<sup>1</sup> *See* <https://www.onstreammedia.com/webinars.php>

<sup>2</sup> *See* <https://www.onstreammedia.com/encompass.php>

<sup>3</sup> *See* <https://www.onstreammedia.com/webcasting.php>

<sup>4</sup> *See* <http://www.onstreammedia.com/iencode.php>

<sup>5</sup> *See* [https://www.onstreammedia.com/streaming\\_publisher.php](https://www.onstreammedia.com/streaming_publisher.php)

this District. *Id.*

**CLAIM FOR RELIEF**

**(Infringement of U.S. Patent No. 8,665,311)**

20. Vbrick re-alleges and incorporates by reference the allegations contained in paragraphs 1 through 19 of this Complaint.

21. In the United States, Defendant Onstream has directly infringed and continues to directly infringe literally or under the Doctrine of Equivalents, one or more claims of the '311 Patent, including, but not limited to, Claim 1, by using, providing, selling, and/or offering for sale patented products or services that utilize the patented methods. Onstream is liable for patent infringement in violation of 35 U.S.C. § 271(a).

22. By way of example, Claim 1 of the '311 Patent recites:

A method for messaging collaboration, comprising:  
providing a program enabling collaboration among a plurality of users;  
maintaining a plurality of contacts for a first user in connection with the program, wherein at least one of the contacts is a non-collaborating device sourcing automatically-shared video and at least one of the contacts is an interactive source of messages; and  
providing to the first user a list of said plurality of contacts.

23. Onstream's product(s) and/or service(s) employ and provide a method for messaging collaboration.

<p><b>Webinars</b></p> <p>Onstream's media-rich, interactive webinar platform enables you to create dynamic, professional grade webinars. Fully featured with a robust toolset, this webinar solution saves you time and money, and gets your message on line quickly.</p> <p><a href="#">View Product Details</a></p>	<p><b>Encompass Pro</b></p> <p>EncompassPro is an interactive, online gathering space that can connect organizations with their target groups virtually and cost-effectively to reinforce relationships, generate business leads and grow revenue.</p> <p>As an organizer, you'll have access to recurring revenue and new ways to monetize participation through sponsorships, billboard ads, content syndication, pay-per-view and special events.</p> <p><a href="#">View Product Details</a></p>	<p><b>Webcasting</b></p> <p>This powerful webcasting platform requires no downloads or special training to use. It enables you to produce, schedule and invite attendees, and to deliver interactive, live and on demand webcasts.</p> <p><a href="#">View Product Details</a></p>
<p><b>Encoding</b></p> <p>A self-administered webcasting solution that incorporates multi-media, such as streaming video, audio, graphics, HTML and presentation documents. Designed with the broadcast professional in mind, this high quality flexible solution allows you to customize your event to your exact specifications.</p> <p><a href="#">View Product Details</a></p>	<p><b>Streaming Publisher</b></p> <p>Streaming Publisher is part of Onstream Media's Digital Media Services Platform™(DMSP), which ingests, manages, publishes and distributes video and other multimedia assets to any website. Perfect for training content, corporate communications and any series of product or service announcements, this high quality platform makes it simple to view from any device.</p> <p><a href="#">View Product Details</a></p>	

See, e.g., <https://www.onstreammedia.com/>;

24. Onstream's product(s) or service(s) employ and provide a program enabling collaboration among a plurality of users.

Onstream Media's EncompassPro virtual events platform is an interactive, online gathering space that can connect organizations with their target groups virtually and cost-effectively to reinforce relationships, generate business leads and grow revenue.

The EncompassPro platform offers all of the benefits of an on-site trade show, including live and recorded content, live chats, social interaction, virtual show booths and downloadable information to provide valuable business engagement. All of these can be fully branded to fit your business goals.

Onstream Media's EncompassPro virtual events platform is an interactive, online gathering space that can connect organizations with their target groups virtually and cost-effectively to reinforce relationships, generate business leads and grow revenue.

### **Learn how to put the power of EncompassPro to work for you.**

We're a video-first company; it's in our DNA. We've added robust event management, LMS and community features to support the most popular streaming and collaboration platforms on the market.

As organizer, leveraging EncompassPro means you'll have access to recurring events revenue and new ways to monetize participation through sponsorships, billboard ads, content syndication, pay-per-view and special events—but without the high costs of travel, lodging or food.

## **Course Management**

Many events are educational in scope, and virtual events are no different. Some of the benefits of Onstream Media's EncompassPro product include:

- Customized attendee paths to set and manage individual and personalized goals.
- Live and prerecorded content that allows you to combine live interactive webinars with documents, audio and video files as part of the educational module.
- Creating quizzes, surveys and assignments with set time limits and automatic results.
- Awarding certification and badges based on quiz performance and/or course completion.

Conference participants can interact in educational sessions by participating in small group sessions or large exhibit halls. The individual sessions can be recorded and produced as on-demand content to generate event more revenue over time.

See, e.g., <https://www.onstreammedia.com/encompass.php>;

## A New Way to Broadcast

Onstream's Webcasting is a powerful, cloud-based platform that enables you to easily create, produce and deliver high quality live and on-demand streaming events to audiences of all sizes, anywhere around the world.



## Social Interaction

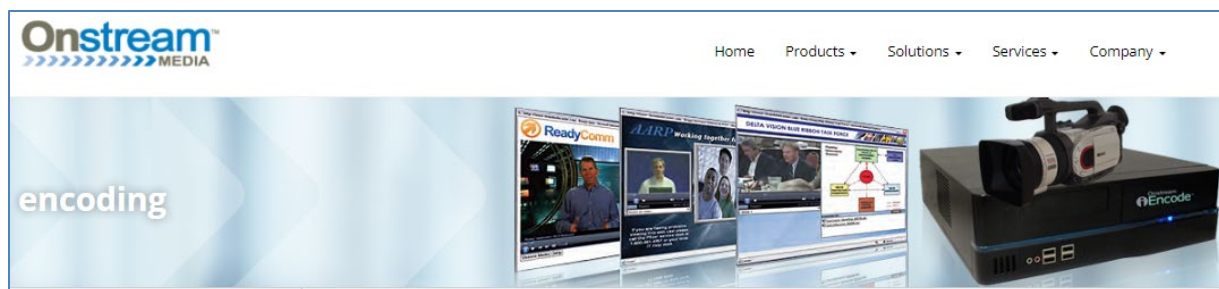
Allow your audience to share and follow your session and interact live using Twitter.



## Polling, Q&A & Chat

Receive immediate feedback and track responses in real-time.

See, e.g., <https://www.onstreammedia.com/webcasting.php>;



See, e.g., <http://www.onstreammedia.com/iencode.php>;



Many companies express the desire to use their own studios or production crews to capture and encode their important events. Now Onstream Media is offering its award winning Encoding, a self-administered cloud-based webcasting solution that incorporates multi-media, such as streaming video, audio, graphics, HTML and presentation documents.

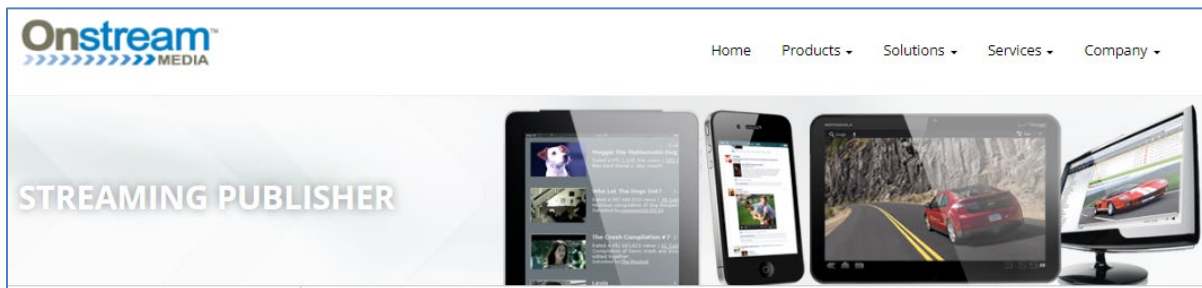
**“...Encoding webcasts can be delivered to an unlimited number of attendees, in any language. The appliance supports Windows and Mac operating systems**

At your next event, your crew can deploy its own encoder, using the Flash Media Encoder software, and send the encoded signal directly up to our system on the cloud. Your live stream is now part of the fully interactive Encoding experience. It's "plug and play," with no need for additional infrastructure or capital investment.

The system is fully interactive and customizable, featuring PowerPoint presentations, Q&A, chat, real-time surveys, downloadable docs, animation and polls. Social networking capabilities allow you to share your content via Facebook®, Twitter® and LinkedIn®

Webcasting is a highly powerful way to connect with audiences, identify leads, generate new revenue and increase brand awareness. Encoding provides you with the ability to deliver professional live or on demand events to desktops and mobile devices globally, simply and cost-effectively while offering greater flexibility for event producers and videographers in the field.

*Id.*



## Streaming Publisher

Streaming video online is a powerful way to increase your company's visibility, drive home your messaging and promote your products and services.

**“...Online video viewership, particularly via mobile devices, has exploded in the last two years, and research shows that it's more effective than standard display advertising in prompting your target audience to interact and engage**

Onstream Media's Streaming Publisher™ technology makes it easy for your organization to post and deliver videos online. It's a three-step process: First, your staff members upload source video to our online system. Second, Streaming Publisher transcodes the video into different formats and bitrates to ensure smooth delivery to computers and mobile devices. Third, the system delivers a link for automatic publishing.

Streaming Publisher is part of Onstream Media's Digital Media Services Platform™(DMSP), which ingests, manages, publishes and distributes video and other multi-media assets to any website or to several sites. For companies with high volumes of video files to share online, DMSP offers a comprehensive way to organize them for publishing, utilizing an automated folder structure that allows files to cross-reference each other. This feature ensures that each video is published at the right time and day for optimal exposure. Thus, our automated approach minimizes the need for your staff members to publish the videos manually.

See, e.g., [https://www.onstreammedia.com/streaming\\_publisher.php](https://www.onstreammedia.com/streaming_publisher.php).

25. Onstream's product(s) or service(s) maintain a plurality of contacts for a first user in connection with the program.

Unlike live conferences, powerful data analytics can track every interaction that a conference attendee participants in. You can carefully watch conference flow and make subtle changes, even during the conference, to maximize the experience. You can also take the information you capture and use it after the show to create highly personalized post-conference interactions. Our system analytics and lead-generation data ensure that the value of each initiative is measured and fully leveraged. The result is higher-value lead generation, more valuable relationship building and, ultimately, more sales.

## Events Management

EncompassPro offers all of the tools you'll need for the creation, registration and promotion of both on-site and virtual events. This includes:

- Professional themes and templates that make creation and updates a snap.
- Preview and publish test registration pages and emails before publishing.
- Create, schedule and send personalized event emails to your audience with ease.
- Integration with your CRM allows these contacts to be recorded in the client record.
- Easy-to-use form builder allows you to create customized registration paths with multiple outcomes for vendors and attendees.

## Reports & Analytics

Live events make it difficult if not impossible to track the activities and interests of your attendees. With a virtual conference platform like EncompassPro, all the data you need is right at your fingertips, along with powerful analytics software to help you make sense of it. For example:

See, e.g., <https://www.onstreammedia.com/encompass.php>;

■ **Webinar and Live Stream Reporting – Gives you participation data, Q&A, polling and more.**

*Id.*

## Reporting & Analytics

Leverage smart data to increase overall registration and attendance.

*See, e.g.,* <https://www.onstreammedia.com/webcasting.php>;

## Features & Benefits:

- Unlimited audience
- Audio & Video streaming
- Live and on-demand viewing
- Customized experience
- Mobile-friendly
- Robust reporting
- Unparalleled support

*See, e.g.,* [http://www.onstreammedia.com/landing/lead\\_nurturing/webcasting/](http://www.onstreammedia.com/landing/lead_nurturing/webcasting/);

**Archive for On-Demand Viewing** - All live events come with a 1-year archive for on-demand viewing with full-reporting.

**Reporting and Analytics** - Measure your effectiveness with our robust reporting tools and analytics.

*See, e.g.,* <http://www.onstreammedia.com/iencode.php>;

**Encoding** - Onstream streamlines the entire encoding process by monitoring, managing and scheduling multiple source feeds. We offer real-time data analysis and automatic synchronization.

*See, e.g.,* [https://www.onstreammedia.com/streaming\\_publisher.php](https://www.onstreammedia.com/streaming_publisher.php).

26. Additionally, in Onstream's product(s) or service(s), at least one of the contacts is a non-collaborating device that sources automatically-shared video, and at least one of the contacts is an interactive source of messages.

### Unlimited Audience

Leverage our robust content delivery infrastructure to reach thousands all over the world with no buffering.

### Automated Archiving

Capture your live session and make it available for immediate playback.

### Enterprise Video Distribution

Network optimization tools to enhance your streaming performance.

*See, e.g.,* <https://www.onstreammedia.com/webcasting.php>;

### Content Management

**EncompassPro lets you create and distribute content at scale during and after your online event. This includes:**

- **Audio and video hosting that allows secure, scalable and fast global viewing on any digital device.**
- **Landing page builder allows you to create as many as you need.**
- **Branded websites let you create a custom, mobile-ready site in minutes.**
- **Streaming and webinars functionality allow you to fully manage webinars, web conferences and live events from a dashboard.**

*See, e.g.,* <https://www.onstreammedia.com/encompass.php>.

27. Further, Onstream's product(s) or service(s) provide to the first user a list of said plurality of contacts.

## Roles & Permissions

Assign roles and permissions to presenters and moderators and configure access to restrict participants.

*See, e.g.,* <https://www.onstreammedia.com/webcasting.php>;

## Reports & Analytics

Live events make it difficult if not impossible to track the activities and interests of your attendees. With a virtual conference platform like EncompassPro, all the data you need is right at your fingertips, along with powerful analytics software to help you make sense of it. For example:

- **Coursework** – You can track course progress by individual or group, leverage quiz performance and view activity streams.
- **Event Registration** – Customize your analysis of peaks in registration by timeframe or any other conditional logic.
- **Commerce Activities** – Lets you track revenue, clients, inventory and more, in real time.
- **Marketing Insights** – This includes monitoring site traffic, email analytics and much more to help you optimize your marketing efforts to build engagement.
- **Video Analytics** – Help you know who is viewing your content and for how long.
- **Webinar and Live Stream Reporting** – Gives you participation data, Q&A, polling and more.

*See, e.g.,* <https://www.onstreammedia.com/encompass.php>.

28. Defendant, upon information and belief, has had knowledge of the '311 Patent and its infringement at least since the filing of this Complaint.

29. To the extent Onstream continues to sell or otherwise supply Accused Products after the filing of this Complaint, Onstream is liable for actively inducing infringement of one or more claims of the '311 Patent, including, but not limited to, Claim 1, by knowingly taking

active steps to encourage and facilitate direct infringement by others, such as third-party audio-video production providers, who use the patented methods. Onstream is liable for patent infringement in violation of 35 U.S.C. § 271(b).

30. By way of example, Defendant knowingly provides literature, instructional videos, and other instructional materials encouraging and facilitating direct infringement of the patented methods by at least third-party audio-video production providers. *See, e.g.*, <https://www.onstreammedia.com/>.

31. On information and belief, to the extent Onstream continues to sell or otherwise supply Accused Products after the filing of this Complaint, Defendant Onstream is a contributory infringer of one or more claims of the '311 Patent, including, but not limited to, Claim 1, by making, selling, offering to sale, and/or importing within or to the United States components, for example, the above-noted Onstream product(s), that is/are a material part of the patented invention, knowing the same to be specially made or specially adapted for use in the infringement of at least one claim of the '311 Patent. On information and belief, the Onstream product(s) is/are not a staple article or commodity suitable for substantial, non-infringing use. Onstream is liable for patent infringement in violation of 35 U.S.C. § 271(c).

32. The Defendant's infringement of the '311 Patent has caused substantial and irreparable harm to Vbrick and will continue to cause such harm unless and until their infringing activities are enjoined by this Court. For this harm, Vbrick does not have an adequate remedy at law.

33. Pursuant to 35 U.S.C. § 284, Vbrick is entitled to damages adequate to compensate it for the infringement, in an amount to be determined at trial, but in no event less than a reasonable royalty.

34. On information and belief, the Defendant's infringement of the '311 Patent has been willful and deliberate, making this an exceptional case entitling Vbrick to recover additional damages and attorneys' fees pursuant to 35 U.S.C. § 285.

**PRAYER FOR RELIEF**

WHEREFORE, Vbrick prays for relief as follows:

- A. Judgment that the Defendant has infringed, induced others to infringe, and/or contributorily infringed the '311 Patent;
- B. An order preliminarily and permanently enjoining the Defendant from further infringing the '311 Patent;
- C. An award of damages pursuant to 35 U.S.C. § 284 for past and future damages and including prejudgment interest;
- D. A declaration that the Defendant's infringement was willful and deliberate, and an increase to the award of damages of three times the amount found or assessed by the Court, in accordance with 35 U.S.C. § 284;
- E. An order for an accounting of damages from Defendant's infringement;
- F. A declaration that this case is exceptional pursuant to 35 U.S.C. § 285, and an award of attorneys' fees and costs; and
- G. Any additional award or further relief the Court may deem just and proper.

**DEMAND FOR JURY TRIAL**

Pursuant to Fed. R. Civ. P. Rule 38(b), Vbrick hereby demands a trial by jury on all claims and issues so triable.

Dated: February 15, 2023

Respectfully Submitted,

**By: /s./ Jessica Serell Erenbaum**

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